



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 19, 1996

Mr. Yuri Calderón
Assistant School Attorney
Houston Independent School District
Hattie Mae White Administration Bldg.
3830 Richmond Avenue
Houston, Texas 77027-5838

OR96-1480

Dear Mr. Calderón:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your request ID# 100493.

The Houston Independent School District (the "district") received a request from the step-father and mother of a district student for the "offense report" arising from an incident involving their child during a school field trip. You state that the district has two documents which are responsive to this request; the Houston I.S.D. Police Department Offense Report and the Houston Police Department Offense Report. You assert that these reports are excepted from required public disclosure by section 552.108 of the Government Code.

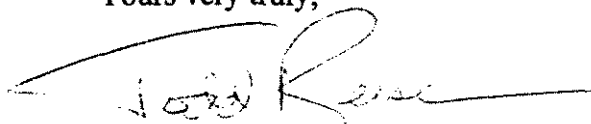
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; see *Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We note, however, that information normally found on the front page of an offense report is generally considered public.¹ *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision

¹The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

No. 127 (1976). We therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure.² Of course, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Enclosures: Submitted documents

Ref.: ID# 100493

²Although the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, gives a parent the right to inspect "education records" pertaining to their children, *see* section 1232g(a)(1), and section 552.114(b)(2) of the Government Code also provides for "student records" to be released to a parent, "records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement" may not be education records under FERPA, *see* 20 U.S.C. § 1232g(a)(4)(B)(ii), nor "student records" under section 552.114 of the Government Code. *See* Open Records Decision No. 612 (1992) (arrest and incident reports created and maintained by state university campus police departments are not "education records" under 1992 amendments to FERPA and are not excepted from disclosure under either 552.026 or 552.114 of Government Code). We suggest that you contact the Family Policy Compliance Office, United States Department of Education, 600 Independence Avenue S.W., Washington, D.C. 20202-4605, (202) 260-3887 for more information on this issue.